(5) C.R.100

IN THE HIGH COURT OF CHHATTISGARH JUDICATURE AT BILASPUR

Writ Petition No. 2504 **/03**

Petitioner : **Dilip Kumar Mishra,**
Son of Late Shri G.N.Mishra,
Aged about 48 **years,**
Deputy Director,
Posted at Directorate of Industry,
Raipur, Chhattisgarh.

Versus

Respondents : **(1) State of Chhattisgarh,**
Through Secretary / Commissioner,
Department of Commerce & Industry,
D.K.S.Bhawan, Mantralaya,
Raipur, Chhattisgarh.

(2) Director,
Directorate of Industry,
Khanij Bhawan (Sonakhan),
Ring Road No.1, Telibandha,
Raipur, Chhattisgarh.

P.R. No. 2320 Presented by Shri Anil Gedam dated 11-8-03

WRIT PETITION UNDER ARTICLE 226 OF CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 2504/2003 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	01.09.2003 Shri Sachin Singh Rajput, counsel for the petitioner. Shri Ranbir Singh, Govt. Advocate for the State/respondents. By this writ petition under Article 226 of the Constitution of India, the petitioner has challenged the order No.F-1-17/2003/6/11 dated 08.08.2003 by which the petitioner has been transferred from the post of Deputy Director, Directorate of Industries, Janjgir-Champa to the District Trade & Industry Centre, Janjgir-Champa. The main grievance of the petitioner is that earlier he was working in Chhattisgarh State Infrastructure Development Corporation that came into existence on the formation of the new State. On 15th November, 2002, the petitioner was further transferred as Deputy Director, Chhattisgarh State Industrial Development Corporation at Raipur. Now within a period of eight months he has been again transferred to Distt. Janjgir-Champa. This transfer is against the policy of the State Government that at a time not more than 10% of the employees should be transferred. I have heard the learned counsel for the parties and perused the petition.	

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(27)

आदेश पत्रक

मामला क्रमांक W.P. No. 2504/2003 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	The only allegation in the petition is that the petitioner has been transferred against the transfer policy of the Govt. of Chhattisgarh. The petitioner has been transferred with malafied intention in arbitrary manner and not on administrative exigencies. This is the bald allegation against the respondents. There is no material on record or no circumstances have been shown by the petitioner, which establishes the allegation of the petitioner that the transfer has been made on malafide grounds. It is always presumed that transfers are made on the ground of administrative exigency, unless and until it is otherwise established by the petitioner. As far as the question of frequent transfers is concerned, the petitioner had worked for more than five years at Raipur in different capacities. Therefore, the petitioner had worked for sufficient period at the Raipur headquarters. As far as the transfer policy that at a time, not more than 10% employees should be transferred is concerned, this is a guideline issued by the government itself and if the Government is not able to follow on the ground of administrative exigency then it cannot be said that any statutory rules have been violated. The policy is always for the guidance of the Government and it is not binding in nature.	

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(28)

आदेश पत्रक

मामला क्रमांक W.P.No. 2504/2003 सन् 200

.....विरुद्ध.....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	In view of the above, I do not find any substance in the petition and the same is liable to be dismissed. Accordingly, the petition is dismissed. However, if the petitioner wants he can may representation to the Government and it is for the Government to consider his case. Consequently, M.(W.)P.No.2289/2003 and I.A.No.7563/2003 stand disposed of. **Sd/-** **L.C. Bhadoo** **Judge**	